

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JOHN O. MYERS,

Plaintiff,

-against-

07 CIV 4708 (RJH) (GWG)

HSBC INVESTMENTS (USA) INC. and HSBC
SECURITIES (USA) INC.,

NOTICE OF MOTION

Defendants.

PLEASE TAKE NOTICE that, upon the Notice of Motion, Affirmation of M. Christine Carty in Support of Motion to Compel, and exhibits annexed thereto, the Rule 37(a) Certification of Good Faith, and the accompanying Memorandum of Law, Defendants HSBC Investments (USA) Inc. and HSBC Securities (USA) Inc., by their attorneys Schnader, Harrison, Segal & Lewis LLP, will move this Court, pursuant to Rule 37 of the Federal Rules of Civil Procedure, before the Honorable Gabriel W. Gorenstein, United States Magistrate Judge, at the United States Courthouse, 500 Pearl Street, New York, New York, on May 15, 2008 at 9:30 a.m., or such other time set by the Court, for an order compelling Blair C. Fensterstock and Brooke F. Haley to appear for and to produce documents at a deposition, and for such other and further relief as this Court deems just and proper.

Date: New York, New York
April 24, 2008

SCHNADER HARRISON SEGAL & LEWIS LLP

By: M. Christine Carty

M. Christine Carty (MC-1796)
140 Broadway, Suite 3100
New York, New York 10005
(212) 973-8000
Attorneys for Defendants

TO:

Blair C. Fensterstock, Esquire
Jeanne M. Valentine, Esquire
Fensterstock & Partners LLP
30 Wall Street
New York, New York 10005
Attorneys for Plaintiff